

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Case No. 20-cv-5594 (TAM)  
KATHYANN SMART,

Plaintiff,

- against-

PLAINTIFF'S PROPOSED  
VERDICT SHEET

USA LABOR FOR HIRE, INC., RC GLOBAL ENERGY  
GROUP, INC., AND OLEG TSIMBLER, *IN HIS*  
*INDIVIDUAL AND OFFICIAL CAPACITIES,*

Defendants.

-----X

**PLEASE MARK YOUR ANSWER WITH AN "X"**

Sex/Gender Discrimination Claims

1. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to sex/gender-based harassment, in violation of Title VII of the Civil Rights Act of 1964:

- a. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

- b. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to sex/gender-based harassment, in violation of the New York City Human Rights Law:

- a. Oleg Tsimbler

Yes \_\_\_\_\_ No \_\_\_\_\_

- b. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

- c. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

National Origin Discrimination Claim

3. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to national origin-based harassment, in violation of Title VII of the Civil Rights Act of 1964:

- a. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_

No \_\_\_\_\_

- b. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_

No \_\_\_\_\_

4. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to national origin-based harassment, in violation of the New York City Human Rights Law:

- a. Oleg Tsimbler

Yes \_\_\_\_\_

No \_\_\_\_\_

- b. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_

No \_\_\_\_\_

- c. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_

No \_\_\_\_\_

Race Discrimination Claims

5. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to race-based harassment, in violation of Title VII of the Civil Rights Act of 1964:

- a. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_

No \_\_\_\_\_

- b. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_

No \_\_\_\_\_

6. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to race-based harassment, in violation of the New York City Human Rights Law:

a. Oleg Tsimbler

Yes \_\_\_\_\_ No \_\_\_\_\_

b. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

c. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

Discriminatory Termination Claims

7. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to a discriminatory termination in violation of Title VII of the Civil Rights Act of 1964, when Defendants terminated her employment:

a. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

b. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

8. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to a discriminatory termination in violation of the New York City Human Rights Law, when Defendants terminated her employment:

a. By Oleg Tsimbler

Yes \_\_\_\_\_ No \_\_\_\_\_

b. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

c. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

Retaliation Claims

9. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to retaliation in violation of Title VII of the Civil Rights Act of 1964, when Defendants terminated her employment:

d. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

e. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to retaliation in violation of the New York City Human Rights Law, when Defendants terminated her employment:

a. Oleg Tsimbler

Yes \_\_\_\_\_ No \_\_\_\_\_

b. By USA Labor for Hire, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

c. By RC Global Energy Group, Inc.

Yes \_\_\_\_\_ No \_\_\_\_\_

Defamation Claim

11. Has Ms. Smart proved, by a preponderance of the evidence, that she was subjected to defamation under the New York Common Law, by Defendant Oleg Tsimbler:

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you have answered “Yes” to any part of any of the above Questions 1 – 11, please continue on to Questions 12 – 14. If not, you are finished.*

Damages

Remember, you can only award damages from those Defendants who you have found liable in any of Questions 1 – 11. In considering a particular Defendant, if you did not answer “Yes” to any of Questions 1 – 11, you may not award damages against that Defendant.

12. Has Ms. Smart proved, by a preponderance of evidence, that she is entitled to lost wages damages?

a. From Oleg Tsimbler?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered “Yes,” what amount of lost wages from Oleg Tsimbler?

\$

b. From USA Labor for Hire, Inc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered “Yes,” what amount of lost wages from USA Labor for Hire, Inc.?

\$

c. From RC Global Energy Inc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered “Yes,” what amount of lost wages from RC Global Energy Inc.?

\$

13. Has Ms. Smart proved, by a preponderance of the evidence, that she is entitled to compensatory damages for emotional distress:

a. From Oleg Tsimbler?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered “Yes,” what amount of compensatory damages from Oleg Tsimbler?

\$

b. From USA Labor for Hire, Inc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered “Yes,” what amount of compensatory damages from USA Labor for Hire, Inc.?

\$

c. From RC Global Energy Inc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered “Yes,” what amount of compensatory damages from RC Global Energy Inc.?

\$

14. Has Ms. Smart proved, by a preponderance of the evidence, that she is entitled to punitive damages:

a. From Oleg Tsimbler?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered "Yes," what amount of punitive damages from Oleg Tsimbler?

\$

a. From USA Labor for Hire, Inc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered "Yes," what amount of punitive damages from USA Labor for Hire, Inc.?

\$

a. From RC Global Energy, Inc.?

Yes \_\_\_\_\_

No \_\_\_\_\_

i. If you answered "Yes," what amount of punitive damages from RC Global Energy, Inc.?

\$

\*\*\*\*\*

*You are finished. Please sign and date this form*

\_\_\_\_\_  
Signature of Foreperson

\_\_\_\_\_  
Date